

JOINT ORDINANCE OF SHELBY COUNTY GOVERNMENT AND THE CITY OF MEMPHIS TO ESTABLISH A PUBLIC-PRIVATE PARTNERSHIP FOR CROSS-GOVERNMENTAL COLLABORATION AND IMPLEMENTATION OF POLICIES TO PROMOTE ECONOMIC MOBILITY THROUGH THE APPOINTMENT OF A FISCAL AGENT TO PROVIDE STRATEGY AND OVERSIGHT OF PROJECT IMPLEMENTATION. THIS ITEM REQUIRES THE SELECTION OF A FISCAL AGENT WHO WILL COORDINATE BETWEEN LEGISLATIVE BODIES AND PUBLIC AND PRIVATE AGENCIES AND PROVIDE UPDATES, RECOMMENDATIONS, TECHNICAL SUPPORT, AND FISCAL ANALYSIS.

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**WHEREAS**, Memphis has a poverty rate of 24.2%, and Shelby County has a poverty rate of 18.6%, making it one of the poorest Metropolitan Statistical Areas (MSAs) in the country, and

**WHEREAS**, the child poverty rate in Memphis is 37.9%, while the rate in Shelby County is 28%, and

**WHEREAS**, the economic mobility rate (defined as the ability of a child born into the lowest economic quintile to reach the top economic quintile later in life) in Shelby County is 4.0%, while some areas of Memphis are even lower, such as South Memphis (2.0%) and North Memphis (2.1%), and

**WHEREAS**, only 27.1% of Memphis adults over 25 have at least a Bachelor's degree, while 33.3% of adults in Shelby County hold the same distinction, and

**WHEREAS**, approximately 51% of Memphis renter households and 49.5% of Shelby County renter households are housing cost burdened, defined as households that spend more than 30% of their income on rent, and

**WHEREAS**, 13.2% of low-income households and 6.18% of all households in Memphis are energy cost burdened, defined as households that spend more than 30% of their income on energy bills, and

**WHEREAS**, the median household income disparity between the lowest three census tracts and the highest three census tracts in Shelby County is \$190,486, and

**WHEREAS**, Memphis and Shelby County lack a coordinated, equitable economic development strategy that incorporates alignment between career and technical training and workforce opportunities, as well as economic growth strategies for the city and county overall, and

**WHEREAS**, Shelby County has just one primary care physician for each 1,747 residents and has a current shortage of more than 1,100 mental health professionals, exacerbating already extremely high rates of preventable chronic conditions, and

**WHEREAS**, over 140,000 Shelby County residents, including 51,000 children, were classified as food insecure in 2022, while Memphis has the highest rate of food deserts of any major metropolitan area in the country, and

**WHEREAS**, Shelby County has an average of 1,753.9 violent crimes reported for every 100,000 people, while Memphis has an average of 2,350.3 violent crimes reported per 100,000 people, and

**WHEREAS**, the More For Memphis strategic plan offers detailed policy-based measures to address all of these factors and more, creating the roadmap for improving the lives of children and families in Memphis and Shelby County, and

**WHEREAS**, the More for Memphis plan has secured over \$100 million in private philanthropic capital towards its economic mobility goals, and

**WHEREAS**, the Plan aims to raise an additional \$300 million in philanthropic capital to galvanize annual economic mobility investments of \$200 million from public local, state, and federal sources, totaling \$1.4 billion towards economic mobility over the next 5 years, and

**WHEREAS**, the city of Memphis and Shelby County governments desire to have a coordinated effort that governs the coordination of City and County funds for the benefit of children, families, and communities in Memphis and Shelby County, and

**WHEREAS**, the administration and implementation for such a comprehensive program must be overseen by a fiscal agent, and

**WHEREAS**, the city of Memphis and Shelby County governments desire to jointly exercise their powers to ensure eligible residents can access all of the resources they require, and

**WHEREAS**, this Council passed a joint resolution with the Shelby County Commission and Memphis-Shelby County Schools Board in September of 2024 adopting the More For Memphis strategic plan as a guiding document for future public investment and coordination among local public entities; and

**NOW, THEREFORE, BE IT ORDAINED** by the Memphis City Council, that the City of Memphis shall establish a collaborative approach, shared among local governments including, but not limited to, the Shelby County Government and Memphis-Shelby County Schools, to improve social and economic mobility.

**BE IT FURTHER ORDAINED**, that this approach shall take the form of a public-private partnership, composed of members enumerated in Section 4 of the More For Memphis Governance and Collaboration structure below.

**BE IT FURTHER ORDAINED**, that this public-private partnership shall constitute an entity of shared governance, shared accountability, and shared appropriations to achieve shared economic mobility goals.

**BE IT FURTHER ORDAINED**, that a fiscal agent shall coordinate among the local governmental bodies and public and private agencies that participate in the public-private partnership to provide backbone support, implementation of strategies, data collection and reporting, and fiscal and policy analysis.

**BE IT FURTHER ORDAINED**, this body shall review annual and quarterly reports provided by the Governance Board and consider budgetary requests during its annual appropriations process.

**BE IT FURTHER ORDAINED**, that the following governance structure to implement the More For Memphis strategic plan be adopted as follows:

### **More For Memphis Governance and Collaboration**

#### **Section 1. Purpose of Ordinance**

The purpose of this ordinance is to establish the governance structure by which the City of Memphis, Shelby County, Memphis-Shelby County School District, and additional public or private partners will work together to deliver the results enumerated in the More For Memphis strategic plan.

#### **Section 2. Definitions and Rules of Construction**

In the construction of this Chapter, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the city council and county commission or the context clearly requires otherwise.

Board. The terms “the Board” or “Board” shall refer to the More For Memphis governance board as described herein.

City. The terms "the city" or "this city" means the city of Memphis, in the county of Shelby and State of Tennessee.

City council. The term "city council" means the legislative branch of the city government of Memphis, Tennessee.

County. The terms "the county" or "this county" mean Shelby County, Tennessee.

County commission. The term “county commission” means the legislative branch of the county government of Shelby County, Tennessee.

School board. The term “school board” means the legislative branch of the Memphis-Shelby County Schools district.

Fiscal Agent. The term “fiscal agent” shall refer to the local technical assistance organization chosen to create and carry out the More For Memphis plan. The Fiscal Agent shall serve as the backbone entity to administer and implement identified initiatives.

Fund Aggregator. The term “fund aggregator” shall refer to the local entity tasked with holding and accounting for the funds secured through philanthropic donations and other unrestricted contributions.

Implementation Operator. The term “implementation operator” shall refer to any entity funded to carry out any portion of the More For Memphis plan.

Executive liaison. The term “executive liaison” shall refer to a representative of the city or county mayor or school superintendent who represents the city or county administration.

Superintendent. The term “superintendent” shall refer to the Superintendent of the Memphis-Shelby County Schools district.

Community member. The term “community member” shall refer to any resident of Shelby County selected to serve on the Board, excluding those who serve on any of the legislative bodies entered into this agreement, those who serve as the executive or representative of any executive in the body, those who serve as the philanthropic or business representative on the board, anyone employed by a contracted implementation provider of the More For Memphis work, or anyone who is employed by the fiscal agent. Adult community members are those over the age of 30, while youth community members are between the ages of 16 and 30. No community member will be permitted to serve if they are employed by any organization or public office already represented in this agreement (e.g. an employee of Memphis City Council).

**Section 3. Fiscal Agent Selection [and Appropriation]** (renumber subsequent sections if this will stay in)

A. Fiscal Agent Selection

1. The Fiscal Agent shall be chosen through a joint RFQ process between the City of Memphis and County of Shelby based on the following criteria
  - i. Fiscal Agent must show evidence of significant philanthropic fundraising in an amount exceeding \$100 million for use in implementation of the More For Memphis plan and in leveraging public funds across Memphis and Shelby County
  - ii. Fiscal Agent must show evidence of prior success as a steward of public funding received from both the city of Memphis and county of Shelby

B. Annual Operations Funding

1. Any funding appropriated to the fiscal agent for the operational functions of the organization will be determined during the annual appropriations process, in alignment with the Board’s annual recommendations.

**Section 4. Delegation of Authority.**

The authorities related to the implementation and oversight of the More For Memphis initiative as enumerated below are hereby granted to the Board:

1. Set the annual policy agenda for each year’s implementation efforts in the More For Memphis initiative.

2. Make recommendations to City Council, County Commission, and School Board regarding budgetary requests to fulfill the functions of More For Memphis.
3. Appoint and approve new members of the Board when vacancies arise, in line with the qualifications and proportional representation requirements enumerated in section 4.
4. Provide quarterly reports to the City Council, County Commission, and School Board regarding the progress of More For Memphis.

**Section 5. More For Memphis Governance Board**

The Board shall act as the governing body of More For Memphis. The Board will include City and County mayoral and superintendent appointees and appointees made by the City Council, County Commission, and School Board, as well as additional private and philanthropic members, as set forth below:

- (A) Executive Public-Sector Membership. The Board shall include one (1) executive appointee each appointed by the City Mayor, County Mayor, and Superintendent, which may be the Mayors or Superintendent themselves.
- (B) Ex-Officio Public-Sector membership. The City Council, County Commission, and School Board shall each appoint one (1) ex officio member of the board.
- (C) Fiscal Agent. The Board shall include one executive member of the staff from the Fiscal Agent, who shall be a non-voting member.
- (D) Fund Aggregator. The Board shall include one executive member of the staff from the Fund Aggregator, who shall be a non-voting member.
- (E) Implementation Operator. The Board shall include one executive member of the staff of one Implementation Operator, who shall be a non-voting member.
- (F) Philanthropic Investor. One seat shall be reserved for a local philanthropic investor into the More For Memphis plan.
- (G) Private and community board members. The additional members of the Board will represent philanthropic investors, the business sector, and youth and adult residents. These members will be initially identified by the Fiscal Agent and subsequently, by a selection process codified in the More For Memphis Governance Board's Bylaws.
- (H) Qualifications. All Mayoral- and Superintendent-appointed Board members shall have been residents of the City or the County for a period of one (1) year prior to the start of his/her term, and shall be confirmed members of the administration.
- (I) Compensation and Expenses. All Board members shall serve without pay, except for Community Members, who will be paid hourly by the fiscal agent. All members shall

be entitled to reimbursement for any actual expense incurred in connection with such membership, provided the same was authorized in advance by the city and county chief administrative officers.

(J) Vacancy. Vacancy created by any cause shall be filled for the unexpired term in the same manner and by the same authority as made the original appointment.

## **Section 6. Responsibilities of the Board**

(A) General Duties The Board shall provide a written description [agenda] of the policy initiatives, services, and geographic placement of aforementioned initiatives and services to be provided to the people of Memphis and Shelby County, along with the anticipated schedule for providing the same. The description should include the following: agreements made with community organizations and all public and private agencies; details of all outreach efforts to provide services for target demographics enumerated in the More For Memphis plan; the strategy for interagency coordination to maximize existing resources; strategies for ensuring equitable distribution of resources throughout Shelby County to maximize opportunities for all eligible residents and the manner by which the Board will seek funding for unmet needs.

(B) Finances The Board shall provide oversight of the Fiscal Agent's management and allocation of the monies dedicated to this project by the City, County, and School Board. The Fiscal Agent is empowered to seek loans; grants from state, federal and local agencies; and to accept loans, grants or donations from public and private sources provided that a clear accounting of each revenue stream is maintained and provided that the City, County, and School Board are in no way obligated to contribute money beyond that approved by their respective legislative bodies. A detailed budget shall be provided as part of the Annual Report which shall be presented to the Council, Commission, and School Board not later than April preceding the fiscal year.

(C) Data and Research. The Board shall collect information and statistical data and conduct research to assist the City, the County, and the School Board to meet the needs of the residents of the county. The Fiscal Agent shall provide technical expertise in data management. The Fiscal Agent shall use data for continuous improvement of programs and fiscal management of public funds. All student data shall be collected and maintained in compliance with the Family Educational Rights and Family Act of 1974.

(D) Consultation and Coordination. The Board, through the Fiscal Agent, shall consult and coordinate with other agencies dedicated to child welfare and shall provide programmatic expertise for key indicators of success from cradle to career. The Fiscal Agent shall serve as the accountability agent for community partners in the delivery of services.

(F) Quarterly Reports. The Board shall provide quarterly reports to the City Council,

County Commission, and School Board with updates regarding the progress of the More For Memphis initiative.

(G) Annual Report. The Board shall provide the Mayors, City Council and County Commission with an annual report in April after it is approved by the Board of each year of its activities and findings regarding the needs of children, families, and communities and the extent to which those needs are being met. It shall also include recommendations as to strategies for meeting any unmet needs. Recommendations regarding pending legislation or needed legislation shall be brought to the attention of the Mayors, City Council, County Commission, Superintendent, and School Board at appropriate times during the year and shall be included in the annual report.

(H) Annual Budget. The Board shall create an annual budget and recommendations for investments to be considered by each legislative body during its annual appropriations process.

#### **Section 7. Amendments and Severability**

(A) This ordinance may, from time to time, become outdated due to the nature of expanding partnerships across Shelby County. As such, the Board may make decisions regarding the function and composition of the Board, in line with the guidance of this ordinance, including, but not limited to:

- (1) The inclusion of additional municipality members of the Board.
- (2) Additions to the scope of work included in the definition of “social and economic mobility”.

#### **Section 8. Effective Date**

This ordinance shall become effective upon passage in accordance with each legislative body’s charter.

**BE IT FURTHER ORDAINED**, that the various sections, clauses, and words of this ordinance are severable, and that any portion found to be in violation of state law may be elided and shall not affect the remaining portions hereof.

SPONSOR:

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